

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE CITY OF ST. LOUIS, MISSOURI,)
and THE LAND CLEARANCE FOR)
REDEVELOPMENT AUTHORITY OF)
THE CITY OF ST. LOUIS)

Plaintiffs,)

v.)

Case No. 4:10CV1059 HEA

PINNACLE ENTERTAINMENT, INC.,)
and PRESIDENT RIVER BOAT CASINO-)
MISSOURI, INC.,)
Attorney General for the State of Missouri,)

Defendants,)

ORDER

This matter is before the Court on Plaintiffs' Motion for Voluntary Dismissal Without Prejudice of All Claims Pending Against Defendant President River boat Casino, Missouri, Inc., [Doc. No. 22]. Defendant does not technically oppose the Motion, rather, it argues that there are no claims against it, and if there were claims against it, this Court would have no diversity jurisdiction over this matter since Plaintiffs and Defendant are Missouri citizens. Defendant points out that Plaintiffs have not filed a motion to remand based on the lack of complete diversity, if indeed there are claims against it. Conversely, however, the Court notes that Defendant has not filed a motion to dismiss it based on fraudulent joinder.

After review the pleadings and the submissions of the parties, the Court concludes that dismissal pursuant Rule 41(a)(2) is proper. This dismissal is without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Defendant President River boat Casino-Missouri, Inc. Is dismissed from this action.

Dated this 7th day of September, 2010.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE